

Free men's Champion.

Volume 1--Number 1.

PRAIRIE CITY, KANZAS, THURSDAY, JUNE 25, 1857.

Terms--\$2 Per Annum.

The Freeman's Champion

IS PUBLISHED EVERY THURSDAY AT
PRAIRIE CITY, KANZAS.

By S. S. PROUTY.

TERMS OF SUBSCRIPTION.

One copy one year, \$2 00

Fifteen copies one year, 20 00

* Payment required in all cases in advance. All papers discontinued at the time for which payment is received.

TERMS OF ADVERTISING.

First insertion, per line, 10 cts.

Each subsequent insertion, per line, 5 "

* Advance payment will be required for advertisements from a distance.

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Message of Gov. Robinson

TO THE FREE-STATE LEGISLATURE.

FELLOW CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:

We are again convened at the expiration of the recess taken by you in January last. You met under circumstances scarcely less difficult, and no less embarrassing than have characterized the previous meetings of this Legislature. But your duties under the Constitution are plain, and the necessity for action imperative. As the representatives of the people, you are here to do the work for which they selected you. The bitter experience of the past has brought nothing with it that could relieve you of your responsibility. Every step in that experience has shown the necessity for you to do your work; and that you, with calmness, wisdom and determination prepare those bulwarks on which the People may rest their Constitutional rights as American citizens, and keep the State Government in readiness for admission into the Union.

As it becomes my duty to recommend such measures as I may deem expedient for your action, and to communicate to you the condition of affairs in the State, I shall endeavor briefly to do so.

Since I sent my message to you, when you first convened in March, 1856, many important and startling events have marked and disturbed the current of affairs. The horrors of actual warfare have existed in our midst. Towns and cities have been sacked and burned, and our citizens have been brutally murdered on the highways and in their houses. A hostile enemy, on our eastern border, has poured in predatory band after band, and army after army, with the design of harassing our citizens and completing the subjugation they had begun. The General Government, which still assumes the power of protection over us, has basely used that power as a screen under which it has rendered aid and comfort to our enemies, and strengthened the hands of those foreign invaders who still pretend to hold the political power of the people that they usurped. Nor have your labors and your persons been exempt. Lawless arrests have been made of your number, and also of Executive officers, by men who, although they possess some power and in many instances held the positions in connection with the Federal Courts, acted with irregularity, and in defiance even of the rules which they professed to respect.

A large and necessary portion of the labors of your codifying Committee was destroyed, with much other property at Lawrence, in May, 1856, when that place was pillaged, and partially burned, by a mob brought there by a United States marshal.

When your bodies met pursuant to adjournment, in July last, your assembly was interfered with, and broken up by a large force of United States troops in battle array, who drove you hence, in gross violation of those Constitutional rights which it was your duty to have protected. When you again convened, in January last, at your regular session, your proceedings were again interfered with by a Deputy Marshal, and many of your members arrested.

I do not propose to enter into a minute detail of all the unhappy occurrences, which have occurred during the past year,—occurrences which have stamped a page of infamy on the history of the country. Let me refer you to the comprehensive address prepared by a Committee of the Convention that assembled in this place on the tenth of March last, for those particulars, an enumeration of which would absorb too much of your time. Suffice it to say, that owing to these causes, the State Government not yet fully organized, and waits in urgent necessity for the completion of your work.

The period for which you were elected is drawing to a close. No provision for taking the census has been made; and no election law adopted. Without these, your function in the Government will expire, and with it the power to reproduce it. I cannot think that you will in any contingency incur the reproach of leaving helpless the people who trusted you, or compelling them to recur, through original action, to the primary power for those needed steps which it is your duty to supply.

In my message sent to you in March, 1856, I enumerated the outlines of the Legislation, it would be incumbent on you to frame and adopt. Let me respectfully refer you to that document for those details.

There is one subject of great moment for our present and future prosperity. The public lands in our midst still belong to the General Government. To secure these lands, or all of them that can be obtained, is a matter to which we should devote no ordinary attention.

The policy hitherto adopted toward other new States gives us just grounds to look to Congress for a grant of all the public lands in our midst. To your enterprise and endurance, its value can be traced, and to you it rightly belongs. The sale of much of our most valuable lands for the benefit of the Indians give an additional claim on the Government for the remainder.

Surely, the General Government will not seek to make a speculation on the bones and sinews of the struggling pioneers who seek to add another State to the Confederacy. Let us respectfully urge upon the assembled wisdom of Congress our claim for donations of these lands, and let us press these claims before the Government has passed titles to all the valuable portions into the hands of speculators.

No donation should by its terms conflict with the claims of a squatter on the soil.

The inanimate frame work of a territorial Government still exists in Kansas. While the popular branch of Congress has accepted our application for admission into the Union, the Senate has still withheld its approval.

In this isolated condition, our rights as American citizens under the Constitution, and our inherent rights as men remain to us. The Territorial Governor, recently sent amongst us by the Federal Government, in his inaugural has truly said:

"It is the people of Kansas who in forming their State Constitution are to propose the terms on which they will enter the Union. Congress cannot compel the people of a Territory to enter the Union as a State, or change without their consent the constitution framed by the people. Congress may, it is true, for constitutional reasons refuse admission, but the State alone, in forming her Constitutions can prescribe the terms on which she will enter the Union. This power of the people of the Territory in forming a State Constitution is one of vital importance, especially in a State carved out of the public domain. Nearly all the lands of Kansas are public lands, and most of them are occupied by Indian tribes. These lands are the property of the Federal Government, but their right is exclusively that of a proprietor, carrying with it no political power."

The doctrine here enunciated is only what has been re-established by precedent, and reiterated time and again. In it we have a right to form a State Constitution, and of necessity the complete State organization, for which its specific terms must provide. As Congress has neither the right to frame a State Constitution for us, nor to "change" the same, it must be apparent to all that they have no more power to destroy when created. Gov. Walker goes even further than this, and further than we have ever yet proposed going, for he says that "the State alone in forming her constitution can prescribe the terms on which she will enter the Union," clearly implying that she may enter the Union or not. Under these circumstances it is clearly apparent that the Federal Government has only sent Gov. Walker as a Territorial officer to Kansas because we have hitherto failed, or have been unable to complete the organization we have begun. In the absence of the full and vital powers of Government adopted by the people, this is merely an endeavor to carry out the implied protection.

What renders it more unhappy is the fact, that the Federal authorities have never yet been able to afford us

such protection, and as there is no Territorial law here recognized by the people as such, the Executive function is a mockery. Your first consideration is the necessities of the people, but beyond that, it is your duty to act with promptness so as to relieve these Federal appointees of a merely nominal duty, that must be embarrassing and disrespectful to them, while the unsettled state of affairs conveys an impressive reproach to those Republican institutions, on which all our hopes as a people centre.

In the inaugural to which I have referred, there is a recommendation that our people forsake the Government they have adopted, and under the management of usurping pretended officials do over again what has been done. We do not think that any serious or generally entertained desire exists among our people to do so; and while opinions from such a source may be entitled to respect, it is, at least, unfortunate that a course of action in relation to a Constitution should be pointed out in the official address of a Federal appointee, who in that very address urges the right of the people, and their right alone, to take steps for a State Government. It is clearly evident from the address itself, that Gov. Walker has not been sufficiently conversant with affairs in Kansas, to warrant the expression of opinion on so grave a matter. In that document he assures us we shall have everything over which his executive function has no control, and refrains from expressing any opinion on the only point, from which we could entertain hopes of his action. You are doubtless aware that the acting Territorial Governor, Stanton, issued a proclamation containing an appointment of representatives for a Delegate Convention. That apportionment leaves nearly one-half of Kansas without any representation, and as no census has been taken there by any one, they will of course have no privilege of even voting.

Had there been no State Constitution in Kansas: had a fraudulent, pretended Territorial Legislature never originated the steps to which this inaugural refers; had that action come simply from the people, as it legitimately should, there would still have been the strongest reasons why all good men should refrain from participating in an act so grossly fraudulent and despotic as this pretended census, and partial apportionment under it. In any event such proceedings will inevitably fall to the ground as lacking in that great essential, the popular will, which alone could give vitality.

Although that strange apportionment which deliberately contemplates disfranchising one-half of the people, was issued a week previous to the inaugural of Gov. Walker, there was not the slightest allusion to it in that document. And yet, the evidence of the fact was of easy access to him, and he was not ignorant of it. What does he mean when he says, "The law has performed its entire appropriate function when it extends to the people the right of suffrage?" Has it done so? or is Gov. Walker ignorant of the fact that it has not? He adds, "Throughout our whole Union, however, and wherever free government prevails, those who abstain from the exercise of the right of suffrage authorize those who do vote to act for them in that contingency, and the absentees are as much bound under the law and the constitution, where there is no fraud and violence, by the act of the majority of those who do vote, as though all had participated in the election."

It would be needless to tell you that such a position, however good, is quite inapplicable to the so called census law and all the proceedings under it. It originates in a usurping fraud, and every step in the process has been a fraud. It is not a proposed election to ascertain the wishes of the people, but a foregone conclusion, every part of which is carefully framed to accomplish a certain result. But, if its applicability cannot be found in these proceedings, let me suggest where it can be applied. In the proceedings under which the State Constitution was framed and ratified all the actual voters had the privilege of participating. Men of all parties did so, and if any portion declined it was simply because they feared to hazard the policy they were trying to thrust on Kansas to a popular vote.

How are we to reconcile the two positions of this Federal Inaugural? First, that the people alone must fully and fairly make or change their Constitution; and, secondly, that "the

Territorial Legislature is the power ordained for this purpose by the United States, and in opposing it, you oppose the authority of the Federal Government?"

Well knowing the complaint, that the "Legislature" referred to did not derive its power from the people of Kansas, he makes up for its lack of popular legitimacy thus: "That Legislature was called into being by the Congress of 1854, and is recognized in the very latest Congressional Legislation. It is recognized by the present Chief Magistrate of the Union."

There is not much of "popular sovereignty" and "self-government" here. This usurpation is repudiated by the people; but, it is "recognized" by "Congress" and the "President!" Its pretended enactment is a dead letter. All the official proclamations and bulletins of President and Territorial Governors cannot make them law; for nothing is law, or can have the authority thereof, save the legitimately expressed will of the people.

But, if the Federal authorities cannot make these usurpations laws, they seem bent on preventing the people from having any law, except they will stoop to accept of this. Never let it be said that the people of Kansas were so recreant to the principles of self-government as to accept the laws thrust on them by a body of invaders. Such a fatal precedent would sow the seeds that would spring up to the ultimate ruin of our government. An insignificant minority in Kansas may co-operate with the invaders outside, to perpetuate their usurpation; but, as Governor Walker says, "the minority, in resisting the will of the majority, may involve Kansas again in civil war. They may bring upon her reproach and obloquy, and destroy her progress and prosperity. They may keep her for years out of the Union, and in the whirlwind of agitation sweep away government itself. But Kansas can never be brought into the Union, with or without slavery, except by a previous decision, fully, freely and fairly made by a majority of the people, in voting for or against her State Constitution."

This has already been done in the adoption of our State Constitution; has been done in accordance with the very principles and requirements of this inaugural itself. And we may well ask, in the language of Gov. Walker: "Why then should this just, peaceful and Constitutional mode of settlement meet with much opposition from any quarter?"

I cannot dismiss this inaugural of the Territorial Governor sent among us by the Federal authorities, without noticing one or two other points. He says there is a clause in the Constitution forever excluding the African race, bond or free from Kansas. There is no such clause in the Constitution, and it is to be regretted that Governor Walker, who talks so much about the "will of the people," should not have given a Constitution of emanating from them, a more careful investigation. At the time the Constitution was submitted to the people, a resolution from the people to the first Legislature was also submitted. This was neither "in," nor connected with the Constitution, and has just as much force as the first Legislature may choose to attach to it. It originated in an anxious desire to show favor to the peculiar institutions of "her sister States,—especially her immediate neighbor, the State of Missouri." And how has this compromise spirit been met? By invasion, or usurpation, rapine, fire and sword. Such clauses as that which he has sarcastically said were in our Constitution, he explicitly denies in another paragraph.

How much more deeply he must feel for the interests of Missouri than Kansas, is apparent when he recalls the debt of gratitude that the people of Kansas owe that State which has stripped our people of every constitutional right, has involved us in the confusion of civil discord, and which is trying by the aid of the General Government to place its foot upon our necks to-day. The first cause of political struggle in Kansas was, whether Kansas should be a free or a slave State. After the invasion of 1855, a still more fearful issue arose,—whether the people of Kansas should have a right to govern themselves. It is for this we struggle. The rights of the people, the glory of Republicanism on earth, the integrity of our government, are all wrapped up in the issue.—Truly we can say: "Never was so momentous a question submitted to the decision of any people; and we

cannot avoid the alternative now before us of glory or of shame." The rights of a free people we love; the Union we regard; the integrity of the government we will maintain. The devotion of the people of Kansas to the Union is evinced by the stern reality of their sufferings and their endurance. In wisdom and devotion the people of Kansas will struggle to preserve the Union should they ever be permitted to enjoy the bond of Sisterhood. They will do so by endeavoring to make the Union worth preserving, without which it will inevitably crumble in pieces. We may, with sacrilegious hand, drag from the tomb of Washington or Jefferson some perishable relic of the mortality of those who, while living, were devoted to Liberty, and revered the claims of God and Humanity, and, under cover of the awe-striking symbol, incite the reluctant representatives of the people to acts of disfranchising American citizens, and robbing Republicanism of all that is good in it; we may shout, "the Union! the Union!" over acts of the most reckless despotism, and hurry our government into oligarchy and anarchy under this delusion; but the delusion will not save us from the penalty of our folly and our crime!

Let us then preserve the Union by maintaining the integrity of Republicanism. It is a universal maxim, that usurpers never voluntarily relinquish their power. Under whatever guise it may come, the action of those who now pretend to hold Territorial power will be for the continuation of that power. For Governor Walker to urge us into the flimsy trap into which they hope to ensnare our people, is wrong; and to talk to us in that connexion of "fairness" and "justice," is to add insult to the wrong.

While the great principle for which we have to contend is, to maintain our right to self-government, the secondary consideration of preserving Kansas a free State is not to be lost sight of. It is of importance that the principle of freedom should prevail, not only because the people have willed it, but because it is good policy, and above all, because it is Right. Where would be our prosperity, if slavery was entailed upon us? Where would the towns and the cities, the railroads and the commerce be, with such a plague-spot on our energies?—The owls would hoot through the cities now laid out in Kansas; the railroads be confined to the charters of usurped legislation. The industrious settler would shrink from the contamination of slave labor that would degrade his manhood, and in his honest toil. Nor can we trace all the reasons by which the unerring finger of a just Providence guides the policy of every systematic wrong to a sure decay, and entails the cause, that there should be no prosperity in the land that is stained by the tears, and wetted by the unpaid sweat of any portion of the children of men.

There is, indeed, an "isothermal line," and a "law of the thermometer," which may make slave labor comparatively profitable or unprofitable; but there is, unhappily, no "law of the thermometer" to prevent infatuated slavery propagandists from attempting to establish the institution, where wise policy says it should never be. It will, therefore, be an important duty in us to guard carefully against all the steps in such an insidious design; the more so, that "policy" and "an isothermal law" are united with the claims of Republicanism and justice.

Under these circumstances we can contemplate the duties before us, and with judicious calmness undertake them. We struggle for our birth-right, and we must not sell it for a "mess of pottage." The eyes of the country are upon us, for our cause is the common cause of all who love Republicanism. In our defeat, the principle on which the Government rests will sustain a shock; in our victory it will take root and be perpetuated. To you is confided no common share of the task; to you will be mooted out no common share of the glory of victory or the misfortune of defeat. Be true, and we will triumph. Our task is difficult; let us meet its responsibilities in full reliance on the wisdom of Him who is the God of Justice. A future of prosperity and usefulness is before the people of Kansas. A great State is rapidly expanding into prosperous existence. May we hope to establish in it a government not unworthy of this civilized age, and our Republican institutions!

CHARLES ROBINSON.
TOPEKA, June 9, 1857.

Deputy Marshal Fain's Reception at Lawrence.

At a meeting held in Lawrence, on the 1st day of June, 1857, on the occasion of a visit of "Deputy Marshal," "Deputy Sheriff," "Assessor" Fain to assess the property of the citizens of Lawrence, Mr. James Blood was elected President, and S. F. Tappan and Wm. A. Phillips, Secretaries.

On motion of Judge Conway, a Committee of five persons was appointed to draft resolutions. It was composed of Messrs. Wm. Hutchinson, Charles Ingersoll, E. B. Whitman, Charles Stearns and S. W. Eldridge.

Mr. S. N. Wood was called on, and briefly said, that he was more willing to define his own position than to advise others. He would not pay taxes. The Territorial Legislature, even when legitimately convened, had no right to assess or collect taxes. No tax could be collected on real estate.

Mr. G. W. Hutchinson, called on; recommends unity of action. Thinks when the people of Lawrence conclude to pay taxes, he will leave this town.

Mr. Wm. Phillips was called on; and stated that this was merely a feeler put out by the enemy, to test the fidelity of the people to their principles, and the devotion of Gov. Walker to bogus law. They should give it an unmistakable answer.

Judge Conway was called on, and made an eloquent appeal, recalling the instances of John Hampden and the patriots of '76, who repudiated taxation without representation.

T. Dwight Thatcher, Esq., was called on, and responded in a speech which was very well received. He stated that he was too much of a new comer to wish to be an adviser, and would rather be a listener; but he had fixed his lot in Kansas, and he recognized a principle at stake, on which he could speak when called on. He said it was the same question that so many Governors had come to Kansas to settle, and had failed in settling—the enforcement of the bogus usurpation. He would never submit to it, and he believed the people would never submit to it.

Mr. Wm. Hutchinson, chairman of Committee, made the following report:

WHEREAS, We understand that a person claiming to be Deputy Sheriff and Assessor of Taxes, under the authority of the Bogus Legislature, is now in our midst, and whereas we utterly repudiate the authority of all persons claiming to be officers of that Legislature; and whereas the monies so fraudulently collected from our people have been, and may again be appropriated in part, to defray the expenses incurred in burning hotels and private dwellings, destroying Printing Presses, sacking towns and plundering the property and outraging the dearest rights of our citizens;—Therefore,

Resolved, That in the opinion of this meeting no good citizen will in any manner furnish "aid and comfort" to the Assessor or Collector of Taxes, or render to him a list of the valuation of his property.

Resolved, That, recognizing the principle established by the blood of our fathers, that "representation and taxation are inseparable," we will never violate that principle by the voluntary payment of any taxes levied by the present Territorial Legislature.

Resolved, That a Committee of five be appointed to present these resolutions to all our citizens for their signatures.

Resolved, That a Committee of five persons be appointed to present a copy of these resolutions to any person who may visit this community in the shape of an Assessor or Collector of Taxes, and that a copy be sent to His Excellency Governor Walker.

On motion, the following Committee was appointed to carry out the fourth resolution:—Messrs. R. Morris, G. W. Dietzler, Charles Stearns, John Cook, and G. W. Hutchinson.

The following gentlemen were elected to carry out the third resolution: G. W. Dietzler, J. H. Kagi, John Cook, and S. N. Wood.

On motion, the meeting adjourned. JAMES BLOOD, Chairman. S. F. TAPPAN, J. H. KAGI, Secretaries. WM. A. PHILLIPS.

A PROMPT REPLY.—"A penny for your thoughts, madam," said a gentleman to a pert beauty. "They are not worth a farthing, sir," she replied. "I was thinking of you."